

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MARIO T. RUCKER

PETITIONER

VS.

CIVIL ACTION NO. 3:17CV247TSL-FKB

SUPERINTENDENT JACQUELINE BANKS

RESPONDENT

ORDER

This cause is before the court on objections of petitioner Mario T. Rucker to the report and recommendation entered by Magistrate Judge F. Keith Ball on March 18, 2019, recommending that Rucker's § 2254 petition be dismissed with prejudice. Having reviewed the objections, the court concludes that they should be overruled for the reasons set forth in respondent's response thereto, and that the report and recommendation should be adopted as the opinion of the court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge F. Keith Ball entered on March 18, 2019, be, and the same is hereby adopted as the finding of this court. Accordingly, it is ordered that the petition for writ of habeas corpus is hereby dismissed with prejudice.

Furthermore, the court concludes that a certificate of appealability shall not issue. Petitioner has failed to demonstrate that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a

constitutional right" and that "jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 8th day of August, 2019.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE